

REMARKS

Claims 1, 5, 6, 12, 13, 17-18, 20, 21, 27, 30-33, 35, 38, 39, 41, 43, and 68 are currently pending in the present application.

Claims 1, 41 and 68 have been amended in this paper.

Examination on the merits is respectfully requested.

CLAIM REJECTIONS – 35 USC § 112

Claims 1, 5, 6, 12, 13, 17-18, 20, 21, 27, 30-33, 35, 38, 39, 41, 43, and 68 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time of the application was filed, had possession of the claimed invention. The basis of the rejection was the insertion of the negative limitation “wherein the device does not require the use of two radiation beams to determine the observable change”.

Claims 1, 41 and 68 have been amended to remove the negative limitation and language has been inserted to indicate that the device uses a single radiation beam to determine the change. Basis for this insertion is found, for example, in Examples 1 and 2.

It is believed that this amendment still leave the claims free of the prior art for the reasons set forth in the prior response.

Entry of this amendment and favorable reconsideration of this application is respectfully requested. Show the Examiner believe that a telephone call to the undersigned would narrow any outstanding issues or favorably advance the prosecution of this application, she is respectfully invited to call at the telephone number indicated below.

Respectfully submitted,

/s/Barbara V Maurer/

Barbara V Maurer

Reg No. 31278

5 Haven Hill Rise

Flemington, NJ 08822

Agent for Applicant

908-303-5635